applicants claimed multiple platform architecture data system and applicants claimed method for managing attribute data in a multiple platform architecture? It is respectfully submitted that applicant has clearly and without doubt met the legal requirements of 37 CFR 1.72 (MPEP 608.01 (b)); not 100% but 150%!

Claims 1-3 and 6-14 were rejected under 35 U.S.C. 102(e) as being anticipated by Teng et al. (US Patent 6,094,679). Claims 4 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Teng et al. (US Patent 6,094,679), and further in view of Menezes et al. (US Patent 5,621,894).

In response to applicants prior arguments the Examiner stated:

> "First, applicant states that prior art does not teach consolidating the information into a single piece of information and presenting to the user. Teng does teach getting information file from network server to install on the network client, see at Fig. 1, col. 5, lines 59-66 and col. 6, lines 52-55. Second, applicant states that the prior art Teng, does not gather attributes from independent platforms. Teng teaches that the information from network server is obtained by the network client and installs it. He has given the example of a printer, see at Fig. 1, col. 5, lines 63-66.
>
> Third, the applicant states that the Teng does not teach polling. Teng does teach polling for required file and uses the HTTP formatted request to overcome the problems of proxy and firewall, see at Fig. 4, col. 8, lines 15-20. Finally, the applicant states that Menezes does teach polling, but for Fax machine. Menezes does teach polling, and stated explicitly polling a Fax machine to get the information pertaining to the speed, see at col. 17, lines 1-16."

In response to these comments by the Examiner and others in the official action, the Examiner is respectfully requested to consider the following:

Firstly, the Examiner should note that there are key and critical differences between the Teng patent and the present application which can only lead to the conclusion that Teng fails to disclose or even remotely suggest applicants invention whether considered alone or in any combination with the Menezes patent. These critical differences include:

1. a controlling element (system manager) that coordinates the information gathering

2. coordinating information gathering across multiple platforms

3. consolidating gathered information into a single item for presentation.

Regarding paragraph 3 of the Official Action the present application details a "system manager that gathers information from multiple platforms (independent objects)" The Examiner uses the following to refute this claim: Col 6, lines 52-55 states "The network client then executes in step an installation application that functions to install the software files returned from the network server on the network client." It is confusing as to which element the Examiner is claiming to be equivalent to the system manager. The "network server" does not coordinate the process as it is responding to requests from the "network client" as Teng Col 6, lines 47-51 clearly state. The network client is a "client application" that makes requests but does not coordinate any activity. The network client is not gathering any data, it is merely installing the software files returned by the network server.

Regarding paragraph 5 of the Official Action the Teng patent does not contain the concept of "polling at least two

platforms". The referenced lines (col 7, line 53 to col 8, line 1) do not discuss polling multiple platforms by any stretch of the imagination. These lines detail modifying a HTTP request message with the client's platform (i.e. operating system). In this context, the platform is the one the client resides on. As Teng, Col 7, lines 63 through Col 8, line 12 clearly states, the polling object (OLEPRN.DLL) exists on the client's platform and is acquiring information by polling other objects (e.g. the Registry) within the client's platform. There is one-and-only-one platform being discussed by Teng in the lines referenced. The key difference to be noted between Teng and the present application is that the Teng patent is referring to INTRA-platform activities and the present application is referring to INTER-platform activities. There are many patents that exist that make use of collecting information within a single platform or application; the Teng patent is simply one example of this. However, this is not applicants invention.

Regarding paragraph 6 of the Official Action, the Teng patent is not collecting copyright information (it has no mention of copyright data at all). The Teng's patent clearly states in column 7, lines 54-62 that the information gathered is "the major version number of the operating system", "the minor version number of the operating system", and "processor architecture of the network client". Again note, this information is only about the network client's platform.

Regarding paragraph 7 of the Official Action the Teng patent does not mention displaying any attribute collected data. In the lines specified, it states "present the user with a visual presentation of the digital signatures of the issuing agency..."

These lines are referring to the multiple contents of several software files.

Regarding paragraph 9 of the Official Action, it is respectfully submitted that the Examiner is contradicting himself with his statements here. Here the Examiner states that "Teng does not teach explicitly polling other platforms". Yet in item 5, he states "Teng also anticipated the independent claim 3 by the following: 'polling at least two platforms..." at Fig. 5, col 7, lines 53-67 to col 8, line 1." The Examiner has refuted his own earlier argument.

Specifically referring to the Examiner's response to Applicants prior arguments, it is submitted that the Teng patent does not teach consolidating information into a single piece of information for presentation to the user. As Column 9, lines 55-65 clearly state, multiple software files (note the plural) are returned from the network server and "...present the user with a visual presentation of the digital signatures of the issuing agency of all the executable software files..." (again: note the multiple plurals denoting that no consolidating of information is occurring. Each file's digital signature is presented regardless if it is equivalent to another file's signature).

The Examiner states "Second, applicant states that the prior art Teng, does not gather attributes from independent platforms. Teng teaches that information from network server is obtained by the network client and installs it." Teng's patent only involves TWO platforms (network server and network client). The network client is only acquiring information (i.e. files) from ONE platform (the network server).

The Examiner goes on to state "Third, the applicant states that Teng does not teach polling..." The simple fact of the matter is that Teng does not teach polling of multiple platforms for attribute acquisition. Teng's patent has as an object that of polling within its own platform.

Generally speaking it clearly appears that the Examiner is keying on certain words (e.g. polling, platform) without looking at the context by which these terms apply within the references. The purpose and methodology that Teng's patent uses polling and platform is much different than its uses stated in the present application.

The Examiner is again reminded to two very significant points regarding what is legally required to support a valid rejection under 35 U.S.C. 102.

1. There can be no anticipation under 35 U.S.C. §102 unless all of the same elements are found in exactly the same situation and united in the same way to perform identical functions in a single prior art reference. Schroder v. Ownes-Corning Fiberlgas Corp., 514 F.2d 901, 903-04, 185 USPQ 723, 724-726 (9th Cir. 1975).

2. To be an anticipation, a prior patent or publication must bear within its four corners adequate directions for practice of the patented invention. Congoleum Industries, Inc. v. Armstrong Cork Co. 339 F. Supp. 1036, 1052, 173 USPQ 147 (E.D. Pa. 1973), aff'd 510 F.2d 334, 184 USPQ 769 (3rd Cir. 1975).

It is respectfully submitted that the Examiner has not met these requirements.

It is also again respectfully submitted that the Examiner has not set forth the factual evidence to support a proper rejection of the claims under 35 U.S.C. 103(a). In re Lee 61 USPQ2d 1430.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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